

ZONING ORDINANCE

CITY OF HACKENSACK, MINNESOTA

An ordinance relating to the zoning and use of land in the City of Hackensack, Minnesota.

SECTION I

Section 1.01 Title

This ordinance from the date of its passage shall be entitled: ZONING ORDINANCE CITY OF HACKENSACK, MINNESOTA.

Section 1.02 Purpose

The purpose of this ordinance is to promote the public health, safety, comfort, and general welfare of the people of Hackensack, Minnesota. To accomplish this end, the ordinance shall regulate the location of structures proposed for specific uses, the height and bulk of buildings hereafter erected, provides for minimum sanitation standards, and regulates and determines the area of lots, to a considerable degree dependent on the provision of central water and/or sewage disposal facilities.

Section 1.03 Legal Authority

This ordinance is enacted pursuant to the Municipal Planning Act, M.S. 462.351, the Municipal Shoreland Rules and Regulations, M.S. 1989, Chapter 105.485, and Minnesota Flood Plain Regulations, M.S. 104.01 - 104.07.

Section 1.04 Compliance

No structure located in the City of Hackensack, shall be erected or altered which does not comply with the regulations of this Ordinance for the zoning use district wherein located, nor shall any structure or premises be used for any purpose other than a use permitted by this ordinance in the district wherein located.

Section 1.05 Definitions

For the purpose of this ordinance, certain terms or words herein shall be interpreted as follows:

- (1) The word person includes a firm, association, partnership, trust, company or corporation as well as an individual.
- (2) The word "shall" is mandatory, the word "may" is permissive.

- (3) Words used in the present tense shall include the future; and the words used in the singular number shall include the plural number, and the plural the singular.
- (4) The word lot shall include the words "piece" or "parcel".
- (5) Abandoned Motor Vehicle - a motor vehicle, as defined in Minnesota Statutes, Chapter 169.01, that:
 - A. Has remained for a period of more than 48 hours on public property illegally.
 - B. Has remained for a period of more than 48 hours on public property and is lacking vital component parts such that it is in inoperable condition.
 - C. Has remained for a period of more than 48 hours on private property without the consent of the person in control of such property.
 - D. Has remained for a period of more than 48 hours on private property with or without the consent of the person in control of such property, which is in an inoperable condition such that it has not substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
 - E. Has been voluntarily surrendered by its owner to a unit of government or person duly licensed pursuant to Minnesota Statutes 168 B.10 and these regulations, except that a classic car or pioneer car, as defined by statute shall not be considered an abandoned motor vehicle within the meaning of these regulations.
- (6) Accessory Use or Structure- the use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the main building.
- (7) Adjacent Property, Adjoining Property- any portion of a lot or larger tract of land that is:
 - A. not over 300 feet from the concerned premises
 - B. or has a common property line.
- (8) Agricultural - the Art or Science of cultivating the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided the space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.
- (9) Automobile Court or Motel- A combination of two (2) or more detached or semi-detached or connected permanent units that are used to furnish overnight transient living

accommodations and or oriented toward travelers parking their automobiles.

- (10) Business- any establishment, occupation, employment or enterprise wherein merchandise is manufactured, exhibited, stored or sold, or where services are offered for compensation.
- (11) Conditional Use Permit- A permit issued by the zoning coordinator when ordered by the Planning Commission. The permit may or may not have stated thereon any special requirements as may be imposed as a condition for issuance of the permit, and subsequent use of the premises covered by such a permit would change to a non-conforming use at any time such special requirements stated on the permit are not adhered to, and the premises would be in violation of the ordinance.
- (12) Dwelling- a building or portion thereof used exclusively for residence occupancy, including one-family, two family and multiple dwelling but not including hotels, motels, boarding or rooming houses.
- (13) Dwelling, Multiple-Family - a residence for or occupied by three or more families with separate housekeeping and cooking facilities for each, including apartments and cooperatively owned units such as condominiums.
- (14) Dwelling, Single-family - a building used exclusively for occupancy by one family.
- (15) Dwelling, Two-family - a building used exclusively for occupancy by two families living independently of each other.
- (16) Family- An individual or two or more persons related by blood or marriage or a group of not more than five (5) unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging home, hotel or club lodge.
- (17) Flood Plain - the areas adjoining a watercourse which have been or hereafter may be covered by a regional flood.
- (18) Floodway- the channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the regional flood.
- (19) Hardship- the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

- (20) Home Occupations - an occupation carried on by an occupant of a dwelling as an accessory activity to the main residential use of the building, and meeting the following restrictions:
- 1) No person shall be employed other than residents of said dwelling.
 - 2) The occupation shall be conducted wholly within the dwelling or an accessory building.
 - 3) Floor area devoted to the occupation shall not exceed 25% of the total ground area occupied by the building on the lot.
 - 4) The occupation shall not be objectionable to adjacent residents due to noise, hours of operation, traffic, electrical interference, etc.
 - 5) There shall be no signs other than those allowed by this ordinance in residential districts.
 - 6) There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling.
- (21) Lot - a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required.
- (22) Lot Frontage- the front of a lot shall be construed to be the portion nearest the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street) all portions of a lot adjacent to street shall be considered as front yards.
- (23) Lot of Record- A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (24) Lot Width- shall be the horizontal distance between the side lot lines measured at the building front yard setback line or the average width of the lot from front to back.
- (25) Mobile Home- a manufacturable relocatable residential unit providing completed independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (26) Non-conforming use- Any building, structure or land lawfully occupied by a use established at the time of the passage of this ordinance or amendments to it, which does not conform, after the passage of this ordinance or amendments to it.
- (27) Normal High Water Mark- a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal

high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

- (28) Parking space- a suitably surfaced and maintained area for the storage of one standard automobile (10' x 20').
- (29) Planned Unit Development- a development which consists of two or more principal structures or uses on a single parcel of land.
- (30) Planning Commission- the Planning Commission of Hackensack or their authorized representative.
- (31) Public Waters- Any waters of the state which serve a beneficial public purpose as defined in Minnesota Statutes 1974, Section 105.37, Subdivision 6. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles, need be regulated by this Ordinance.
- (32) Setback - the minimum horizontal distance between a structure or sanitary facility and a road, highway, property line, or normal high water mark.
- (33) Shoreland- Is land located within the following distances from public water:
 - 1) 1,000 feet from the normal high water mark of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain.
- (34) Sign- a name, identification, description, display illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.
- (35) Variance- means any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardships.
- (36) Yard- a required open space unoccupied and unobstructed by any structure or portion of a structure from 36 inches above the ground level of the graded lot upwards, provided, however, that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a traffic safety hazard.
- (37) Yard, front- a yard extending between side lot lines across the front of a lot at the side nearest the street or a body of water. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 36 inches, and no hedge or other

vegetation on lots shall be permitted which materially impedes vision across such yards.

- (38) Yard, side- a yard extending from the rear line of the required front yard to the rear lot line.
- (39) Yard, rear- a yard extending across the rear of the lot between inner side yard lines.
- (40) Zoning Map, Official-the map or maps incorporated into this chapter as part thereof, designating the zoning district.

SECTION II ZONING USE DISTRICTS

Section 2.01 Districts for Annexed and Unzoned Areas

2.011 Annexed Areas

Areas hereafter annexed to the City of Hackensack shall be in the Residential District, until placed wholly or partly in another district by amendment as provided for herein.

2.012 Unzoned Areas

Areas not included in any district shall be considered reserved for public use and purposes to the extent necessary.

Section 2.02 District Boundaries

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or railroad lines shall be considered to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in event of change in shore line shall be construed as varying with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or bodies of water shall be construed to follow center lines.
4. Boundaries indicated as approximately following the city limits shall be constructed as such city limits.
5. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the Planning Commission upon request of the owner.

Section 2.03 District regulations

1. The Regulation of this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly except as hereinafter provided:
2. No building, structure or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
3. No building or structure shall hereafter be erected or altered: to exceed the height or bulk, to accomodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this ordinance.
4. No part of a yard, or other open space, or off street parking about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or landing space similarly required for any other building.
5. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet the lot size requirements.

Section 2.04 Establishment of District and (District) Map

Certain districts are hereby created which shall be shown upon the (District) Map which is incorporated herein and made a part hereof. Said map and all notations, references, and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were all fully described herein.

1. R RESIDENTIAL DISTRICT
2. MH MOBILE HOME DISTRICT
3. C COMMERCIAL DISTRICT
4. SD SHORELAND DISTRICT
5. P PUBLIC DISTRICT
6. FP FLOOD PLAIN DISTRICT

SECTION III DISTRICTS

Section 3.01 RESIDENTIAL DISTRICT (R)

3.011 Purpose

To establish and maintain a district for residential purposes. Permitted uses are one and two family dwellings.

- 3.012 Permitted Uses:
1. One and Two Family Dwellings
 2. Accessory Buildings
 3. Duplexes
 4. Home Occupations

- 3.013 Conditional Uses:
1. Schools
 2. Churches
 3. Municipal Buildings
 4. Medical Facilities
 5. Planned Unit Development
 6. Resorts
 7. Mobile Home(as a single family dwelling)
 8. Multiple Dwellings

- 3.014 Accessory Uses
Accessory Uses, incidental to and on the same zoning lot as the principal use, are allowed.

- 3.015 Lot Area, Lot Width and Yard Requirement:

Lot Size:	10,000 Square Feet (single Family)
Lot Width	75 feet (single family)
Front Yard	25 feet from all public right-of-ways
Side Yard	10 feet interior lot
	30 feet corner lot
Rear yard	20 feet

Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each lot. No accessory building shall project beyond the front yard line of either road.

- 3.016 Height Requirements
Two and one-half (2 1/2) stories but no more than thirty (30) feet.

Section 3.02 Mobile Home Residential District (MH)

- 3.021 Purpose

The purpose of this district is to establish a mobile home district for the planned development of mobile homes.

- 3.022 Permitted Uses
1. Mobile Home development

- 3.023 Conditional Uses
1. Mobile Home sales
 2. Retail and service outlets to serve occupants of the permitted uses.

- 3.024 Accessory Uses
1. Administrative office, recreational buildings and utilities, laundry, and other supporting nature to the mobile home development.

3.025 Minimum Site Standards

1. There shall be a minimum area requirement of ten (10) acres with a minimum width of three hundred (300) feet.

3.026 Minimum Lot Area, Yard and Setback Requirements

Lot Area	4500 square feet
Lot Depth	100 feet
Lot Width	45 feet
A Corner Lot shall be Sixty (60) Feet Wide.	
Front Yard	20 Feet
Side Yard	5 Feet
Rear Yard	10 Feet

3.027 Height Requirements

Maximum height of mobile home is sixteen (16) feet.

3.028 Application for Mobile Home Development

The property owner shall apply to the city clerk on a form provided and such application shall include the developer plan, and a plot plan showing the following:

1. Location and legal description of the site.
2. All streets, lights, driveways, parking areas and sidewalks.
3. A drawing of the proposed foundation, supposed system and tiedowns for individual mobile home.

Section 3.03 COMMERCIAL DISTRICT (C)

3.031 Purpose

The Commercial District is designed to provide for the convenient highway oriented business facilities and to satisfy the shopping needs of the people of Hackensack.

3.032 Permitted Uses

1. Appliance Store
2. Automobile Service Station
3. Bakery Goods
4. Barber, Beauty Shop
5. Bowling Alley
6. Cafe, Cafeteria, including drive-in eating establishment
7. Drug Store
8. Grocery Store
9. Hardware Store
10. Laundry, self-service
11. Liquor Store
12. Lumber yard
13. Medical, Dental clinic, Optician

14. Motel
15. Post Office
16. Professional Offices
17. Public Buildings
18. Realty Offices
19. Resorts
20. Variety Stores
21. Wearing Apparel Store
22. Concrete Plant
23. Auto Sales
24. Tackle Shop
25. Car Wash
26. Bank
27. Sign Painting
28. Welding Shop/Blacksmith
29. Tire Sales
30. Surveyor
31. Video Shop
32. Any other lawful commercial business establishment open to the public.

3.033 Conditional Uses

1. Single and two-family dwellings
2. Planned Development
3. Other commercial uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

3.034 Accessory Uses

Accessory uses incidental to the principal uses are allowed.

3.035 Off Street Parking and Loading-Unloading

Off street parking and loading-unloading facilities shall be required as established in the general regulations. All off street parking and loading-unloading spaces shall be located on the same lot as the principal use or on an adjoining lot.

Section 3.04 SHORELAND DISTRICT (SD)

3.041 Purpose

In order to reduce the effects of over-crowding, to prevent pollution of waters of the state, to provide ample space on lots for sanitary facilities, to maintain property values, to maintain the natural characteristic of shoreland, and to provide for the wise utilization of water and related land resources of the state.

3.072 Public Water Classification

General Development
 Boy River
 Birch Lake

3.043 Shoreland Lot Area, Yard, and Setback Regulations

When applicable zoning districts are within the shoreland district, and the lot area, yard, and setback requirements of the shoreland districts are more restrictive than those defined herein, then the more restrictive standards shall apply. The lot area, yard, and setback requirements of the Cass County Shoreland Zoning Ordinance are hereby incorporated herein and shall apply to all properties within the shoreland district under this ordinance.

3.044 Permitted Uses

All permitted uses allowed and regulated by the applicable zoning districts of this ordinance and official zoning map.

3.045 Conditional Uses

All permitted conditional uses allowed and regulated by applicable zoning districts of this ordinance.

3.046 Accessory Uses

Accessory uses incidental to the principal uses are allowed.

3.047 Minimum Allowable Lot Size

The total area of all impervious surfaces shall not exceed 40% of the lot area.

3.0492 Soil Absorption Systems

Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage.

1. Low swampy areas or areas subject to flooding
2. Areas where the highest known ground water table, bedrock or impervious soil conditions are within 4 feet of the bottom of the system.
3. Areas of ground slope which create a danger of seepage of effluent onto the surface of the ground.

3.0493 Non-Conforming Sanitary Systems in Shoreland District

Non-conforming septic systems shall be brought into conformity within five (5) years from adoption of this ordinance. A non-conforming system in operation after five (5) years from the effective date of this ordinance, shall be in violation of this ordinance.

3.0494 Variances to Setbacks

1. Where structures incorporate a method of sewage disposal other than soil absorption or,
2. In areas of unusual topography or substantial elevation above the lake level setbacks may be varied to allow the owner reasonable use and enjoyment.

3.0495 Permitted Exceptions

Commercial, or permitted open space uses requiring landing or public water may be allowed as conditional uses.

3.0496 Shoreland Alterations

Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface run-off and soil erosion. The removal of natural vegetation shall be controlled by the following criteria:

1. Clearcutting is prohibited, except as necessary for placing public roads, utilities and parking areas.
2. Vegetation shall be restored insofar as feasible after any construction project.
3. Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to make motor vehicles and structures inconspicuous.

Grading and filling in the shoreland area or where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a Conditional Use permit before such work is begun. The permit may be granted subject to the conditions that:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.
3. Methods to prevent erosion and trap sediment shall be employed.
4. Fill shall be stabilized to accepted engineering standards.
5. Any other required permits (such as DNR permits) are properly obtained.

3.0497 Alterations of Beds of Public Waters

Any work which will change or diminish the course, current, or cross section of the public water shall be approved by the Department of Natural Resources before work is begun. This includes construction of channels, ditches, lagooning, dredging of lakes or stream bottom for removal of mulch, silt or weeds and filling in the lake or stream bed.

3.0498 Subdivision of Land in the Shoreland District

No land shall be subdivided which is unsuitable for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe erosion potential, or any other feature likely to be harmful to the health, safety and welfare of the residents of the City of Hackensack.

3.04991 Notification of Public Hearings

Copies of all notices of any public hearing to consider variances, conditional uses, or amendments pertaining to land within the Shoreland District shall be received by the Commissioner of Natural Resources at least ten (10) days prior to such hearings.

A copy of amendments and final decisions granting variances or conditional uses within the Shoreland District shall be received by the Commissioner of Natural Resources within ten (10) days of final action or amendment.

3.04992 Inconsistent Plats

All plats which are inconsistent within the Shoreland District shall be approved by the Commissioner of Natural Resources before approval by the City Council.

Copies of all plats which are inconsistent within the Shoreland District shall be submitted to the Commissioner of Natural Resources within ten (10) days of final approval by the City Council.

3.04993 Variances to Zoning Regulations & Modifications in Subdivision Standards in Shoreland District.

The City Council may issue variances to the zoning regulations and may permit modifications in the Subdivision Regulations of this section when all of the following conditions are met:

1. Because of the unique topography or other conditions of land involved, literal application of the provisions of this ordinance would impose undue hardship.

2. Conditions and assurances attached to variances or plat approval that assure compliance with the requirements of this ordinance.

Section 3.05 Designated Flood Plain District (FP)

Purpose: To require the recognition and evaluation of flood hazards in all official actions relating to land use in the flood plain area.

3.051 Permitted Uses:

The uses specified below for the designated flood plain area shall be permitted within the jurisdiction of this ordinance to the extent they are not prohibited by any other ordinance and provided they do not require structure, fill or storage of materials or equipment.

1. Agricultural uses such as general farming, grazing, horticultural, forestry and wildcrop harvesting.

2. Industrial and commercial uses such as loading areas, parking areas, and public utility transmission facilities.

3. Private and public recreational areas, such as golf courses, tennis courts, golf driving ranges, picnic grounds, boat launching sites, swimming areas, parks, wildlife and nature preserves, target ranges, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, hiking and horseback riding trails.

4. Residential uses such as lawns, gardens, parking areas and play areas.

3.052 Uses allowed within the Designated Flood Plain District with a special flood plain use permit.

All permitted uses allowed and regulated by the applicable zoning districts of this ordinance and official zoning map.

3.053 Accessory Uses

Uses incidental to the principal uses are allowed.

3.054 Lot area, setbacks and other dimensional requirements

Lot area..... 80,000 sq. ft.
Water frontage & width at building line..... 200 ft.
Building setback from normal high water mark... 200 ft.
Elevation of lowest floor above highest
recorded water level.....3ft
Building setback from roads & streets.....The setback regulations shall be the same as those required for the applicable zoning districts as shown in the zone.

Side Yard Minimum..... The side yard regulations shall be the same as those required for the applicable zoning districts as shown on the map.

3.055 Height

Two and one-half stories but not more than thirty (30) feet.

3.056 Sanitary Requirements in the Shoreland District

Septic tank and soil absorption systems shall meet the following minimum requirements.

Septic tank (sealed)

Minimum distance from nearest well..... 50 feet
Minimum distance from occupied building..... 10 feet
Minimum distance from lake or stream150 feet
Minimum distance from property line.....10 feet
Minimum distance from bottom of absorption
system to ground water table(vertical)..... 4 feet

** Chapter 7080 regulations on sewage systems and absorption fields must be complied with.

SECTION IV

GENERAL REQUIREMENTS

Section 4.01 Purpose

Pursuant to the purpose of this Ordinance, there are certain several requirements that are not provided for in the previous sections. It is the purpose of this section to set forth these requirements.

Section 4.02 Non-Conforming Uses

4.02i Non-Conforming Land

A lawful non-conforming use of land existing at the date of enactment of this ordinance, may be continued, but if discontinued for a period of 12 consecutive calendar months, it shall not thereafter be resumed and any future use of such land shall be in conformity with all provisions hereof. The use of land if changed from a non-conforming use, shall be in conformity with the provisions of the specific district.

4.022 Non-Conforming Structures

A lawful non-conforming use of a structure existing at the date of enactment of this ordinance may be continued, and such use may be extended throughout the building or changed to another non-conforming use permitted in the same district provided no structural alterations except those required by law, and no additions or enlargements are made to such building.

4.023 Restoration of Structures

When a non-conforming structure is destroyed or damaged by fire, wind, flood, explosion or other casualty, to an extent exceeding one half (50%) of its original value or where a structure is destroyed or damaged to such an extent that its total demolition is required by existing or hereinafter adopted law or ordinance, or is required to protect the public health, safety; any future structure or use shall conform to the provision of the specific district.

4.024 District Changes

The provisions of this section shall apply to any use that may become non-conforming due to a change in the classification of the district in which it is located as a result of rezoning from the effective date of the ordinance making such changes.

4.025 Conditional Uses

Any use which is permitted in a district only as a conditional use shall, upon its establishment, be considered a conforming use in that district, but subject to any conditions of a conditional permit for such use.

4.026 Non-Conforming Signs

Business signs on the premises of a non-conforming building or use may be continued as long as the use is continued, but such signs shall not be increased in number, area, height or illumination.

No sign erected before the passage of this ordinance shall be rebuilt, altered or moved to a new location on the affected property without being brought into compliance with the requirements of this ordinance.

4.03 General Sign Provisions

Notwithstanding directional or parking signs, no sign shall be located on the zoning lot or on the exterior portion of any structure, except those signs which identify the name and/or type of business conducted within such structure or identify the building. All flashing, revolving and intermittently lighted signs are expressly prohibited.

4.031 Residential Districts

No bill board signs shall be erected in the residential districts except as follows:

1. Signs displaying the name only of the property on the premises upon which displayed or the owner or lessee thereof, not to exceed eight (8) square feet in size.

2. Signs not exceeding eight (8) square feet in area, pertaining only to the sale, rental or lease of the premises upon which displayed.

4.032 Commercial and Industrial District

The total of the area of all signs measured in square feet shall not be greater than two times the number of lineal feet of each street frontage of each zoning lot. No sign shall be located more than 15 feet above the street level with the exception of a building identification sign. The gross surface of all illuminated signs shall not exceed the lineal feet for frontage of such zoning lot. The total allowable sign area shall be reduced by 10 percent for each sign in excess of four (4) signs per street frontage.

4.035 Political Posters

Political posters in accordance with applicable state laws are allowed, provided they are removed within ten (10) days following the election for which they are intended.

4.034 Private Signs

Private signs are prohibited within the public right-of-way easements.

4.035 Off Site Signs

Off site advertising signs shall be permitted by permit only. Off site signs shall not be spaced closer than (100) hundred feet to any other advertising sign on the same side of the road except back to back.

4.04 Parking and Loading Requirements

Off street automobile parking shall be provided on any commercial, industrial and residential lot on which any new structures are hereafter established in conformance with said district requirements. The parking area shall be provided with vehicular access to a street, alley or roadway and shall be required with such use and shall not be reduced or encroached upon in any manner.

Off street required automobile parking space shall not be utilized for open storage of vehicles which are in-operable or for sale or for rent.

If, in the application of these provisions, a fractional number is obtained, on parking space shall be provided for that fraction. Each space required constitutes a cross area of 200 square feet.

4.041 Standards

1. Residential: two (2) spaces for each family unit.
2. Hotel and Motel Accomodations: one and one half (1 1/2) parking spaces for each rental room or unit.
3. Commercial: a) Theatre, stadium, and auditorium, church or place of public assembly; one parking space for each 10 seats. based on maximum seating capacity. b) Retail store: one off street space for each 1000 square feet of gross floor space. c) Medical facilities; four spaces for each doctor or dentist. e) Motor fuel stations; four off street spaces plus two off street spaces for each service staff. f) Restaurant, cafes, bars, taverns and night clubs; one space for each three seats based on capacity of design.
4. Industrial: one space for each two (2) employees on maximum shift or one for each 500 square feet of gross floor area, whichever is the larger.
5. Use not specifically noted: determined by the City Council allowing review by the Planning Commission.

4.042 Loading

All required loading berths shall be off-street and shall be located on the same lot as the building to be served. Loading berths shall not occupy the required front yard space.

Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

All loading berths and accessways shall be improved with a durable material to control the dust and drainage.

Unless otherwise specified, a required loading berth shall be not less than 15 feet wide, 50 feet in length and 14 feet in height, exclusive of risk and maneuvering space.

4.043 Required Loading Spaces

Retail sales, service stores, and offices: One loading berth for each 6,000 square feet of floor area.

Manufacturing, fabrication, processing and warehousing: One loading berth for each building having 3,000 square feet of floor area, plus one loading berth for each additional 25,000 sq. ft. of floor area up to 100,000 sq. ft.. plus one loading berth for each 50,000 sq. ft. of floor area over the first 100,000 sq. ft. of floor area.

Uses not specifically noted: Determined by the City Council following review by the Planning Commission.

4.05 Performance Standards

Intent: It is the intent of this section to provide that industrial and commercial related activities shall be established and maintained with the proper setbacks from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

4.041 Noise

Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standards shall not apply to incidental traffic, loading, parking, construction, farming or maintenance operators.

4.052 Vibration

Any use creating periodic, earth shaking vibrations shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. The standard shall not apply to vibrations created during the process of construction.

4.053 Glare

Glare, whether direct or reflected, such as from floodlights, spotlights or high temperature processes, and as differentiated from general illumination, shall not be visable beyond the site or origin at any property line.

4.054 Smoke, Dust, Fumes or Gases

Any use established, enlarged or remodeled after the effective date of this ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke, dust, fumes, or gases.

4.055 Toxic or noxious matter

Any use shall not discharge into the atmosphere, water or subsoil, any toxic or noxious matter. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with the Minnesota State Department of Health Standards and Requirements.

4.056 Storage Standards

All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties except for the following:

Recreational equipment
Construction equipment
Agricultural equipment

4.057 Hazardous Materials

Any use requiring the storage, utilization, or manufacturing of hazardous products shall not be located not less than 300 feet from any residence or public meeting place.

4.058 Visual standards

Where any commercial or industrial use is adjacent to property zoned or developed for residential use, that activity shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial activity is across the street from a residential zone, but not on that side of a commercial or industry considered to be the main entrance of such building. Junk and auto wrecking yards shall be adequately screened by fences, walls, land forms, and/or natural or planted landscape materials to effectively conceal the establishment from the surrounding area.

4.06 Sanitation Standards

The 1971 edition of the Minnesota Individual Sewage Disposal System Code of Minimum standards recommended by the Minnesota Department of Health, as from time to time amended or as from time to time modified by the Hackensack City Council to include the use of other types of disposal systems as approved by the Minnesota Department of Health, the Minnesota Pollution Control Agency and/or Hackensack City Council, is hereby adopted by reference and made a part of this Ordinance as is full set forth herein, and all development proposed in any of the zoning use districts established by this Ordinance, shall comply with the sanitation standards therein provided.

4.061 Permits

No person, firm, or corporation shall install, alter, or extend individual sewage disposal systems and/or city water in the city without first obtaining a permit therefore from the zoning coordinator for the specific installation, alteration or extension. The permit shall be valid for a period of twelve months from date of issue.

Each application for a permit shall state the correct legal description of the property on which the proposed installation, alteration, or extension is to take place and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all part of the system to be installed, altered or extended. The application shall also show the present or proposed name of the person, firm or corporation which is to install the system and shall provide such additional information as may be required by the zoning coordinator.

Every individual sewage disposal system installed after the effective date of this ordinance and every alteration or extension to any system made after that date shall conform to the standards of the Minnesota Department of Health Code herein adopted by reference as from time to time may be modified by the City Council of Hackensack.

The Planning Commission may require percolation tests when soil absorption capabilities within the proposed system are in doubt. The percolation test shall be administered by the Zoning Coordinator or one of his authorized agents. The tests shall be conducted in compliance with the standards as set forth in the Minnesota Department of Health Code. The results shall be evaluated by the Planning Commission and such conditions necessary to meet minimum Health Code Standards be so attached to sewage permit. The fee for such percolation tests shall be set by the Council.

4.062 Inspections

The Zoning Coordinator shall cause such inspection or inspections as are necessary to determine compliance with this ordinance, no part of the system shall be covered until it has been inspected and accepted by the Zoning Coordinator or notify the zoning coordinator that the job will be ready for inspection or re-inspection, and it shall be the duty of the zoning coordinator to cause the indicated inspection within forty-eight (48) hours of said notification. It shall be the duty of the owner or occupancy of the property to give the zoning coordinator or his agent free access to the property at reasonable times for the

purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the zoning coordinator shall issue to the applicant a certificate of zoning compliance.

If upon inspection it is discovered that any part of the system is not constructed in accordance with the minimum standards provided for in this ordinance, the applicant shall pay an additional inspection fee for each inspection. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

4.07 Right of Inspection

An applicant for any permit under this ordinance, by making such application, does hereby give the zoning coordinator reasonable right of access to the premises concerned for inspection from time to time, so he may carry out his duties as specified in this ordinance.

4.08 Right of Inspection for Investigation

The zoning coordinator is hereby authorized to enter upon lands within the City of Hackensack, for the purpose of carrying out his duties and functions imposed upon him under this ordinance, or to make investigations of any violations of this ordinance, and to cause proceedings to be instituted if proofs at hand warrant such action.

4.09 Planned Development

4.091 Purpose

The planned development alternative is offered as a response to the need of a more flexible design approach to the total community environment, and to insure maximum participation of the planning commission in the creation of individual development within the context of the comprehensive community plan.

4.0992 Allowed Uses

All the permitted and conditional uses for the specific district are allowed with the addition that residential dwellings may be attached, detached, townhouses, clustered, or multiple type and that 5 percent of the land may be developed to other residential and commercial uses determined by the planning commission to be complementary to the general character of the permitted uses above and found not to be detrimental to the general public health and welfare.

4.093 Development Intensity

There shall be no requirement for lot size, yard size, or gravel coverage. All developments need follow good design practice.

SECTION V

ADMINISTRATION

Section 5.01 Planning Commission

For the purpose of administrating this Ordinance, the City Council shall act in lieu of a Planning Commission and Board of Adjustment and Appeals until such time as said Council creates by separate outline a Planning Commission and/or Board of Adjustments and Appeals.

Members of the Commission may be compensated in an amount determined by the City Council and may be paid their necessary expenses in attending meetings of the commission and in the conduct of the business of the Commission.

5.011 Officers

A Chairman and secretary shall be elected from among the members of the Commission.

5.012 Powers

The Planning Commission shall have and exercise the following powers.

a. To adopt rules of procedure governing the transaction of its business.

b. To conduct such hearings as may be required by law and by the provisions of this ordinance, and in connection therewith to make findings and conclusions which shall be transmitted to the planning agency which shall forthwith transmit same to the governing body with such comments and recommendations as it deems necessary.

c. All other powers granted to it by law and by the provisions of this ordinance.

5.013 It shall be the duty of the Planning Commission to:

Protect the public health, safety and general welfare.

Promote orderly development of the residential, commercial, industrial, recreational, agricultural and public areas.

Provide for adequate light, air and convenience of access to property by regulating the use of land and buildings, and the bulk of buildings in relation to surrounding properties.

Provide for the compatability of different land use and the most appropriate use of land throughout the City of Hackensack.

Provide for administration of this Ordinance.

Section 5.02 Zoning Coordinator

This ordinance shall be administered by the Zoning Coordinator appointed by the City Council.

The Zoning Coordinator shall:

Determine if applications comply with the terms of the Ordinance.

Conduct inspections of building and use of land to determine compliance with the Ordinance.

Maintain permanent records of this ordinance.

Receive, file and forward all applications for appeals, variance, conditional uses, and amendments to the designated official bodies.

Notify in writing, any person responsible for violating a provision of this ordinance, indicating the nature of the violation and ordering the action necessary to correct it.

Serve as ex-officio member of the Planning Commission.

Section 5.03 Variances.

Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with this ordinance, variances may be granted provided that such variations will not have the effect of nullifying the intent and purpose of this ordinance.

Application for issuance of the variance shall be made with the Planning Commission with a statement of the exceptional conditions and the peculiar difficulties involved. A site plan may be prescribed by the Planning Commission.

The City Clerk shall notify contiguous property owners of the intent of the proposed action and the date when the petitioners shall appear before the planning commission, said notice to be at least fourteen (14) days prior to the hearing on said application.

The City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed variance upon the health, safety, and the general welfare of the community and that issuance of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate a demonstrable difficulty. No application for a variance, which has been denied, shall be resubmitted for a period of 6 months from the date of denial.

Violation of any condition set forth in granting a variance shall be a violation of this ordinance and automatically terminates the variance. A variance shall become void one year after it was granted unless made use of. No appeal of a variance denial may be made within 10 days of the Planning Commission decision, but must be made within sixty (60) days of such denial.

Section 5.04 Conditional Uses

Conditional use permits may be issued for any of the following:

Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

Application for the issuance of a conditional use permit shall be made to the Planning Commission. The application shall be accompanied by such plans, elevations, and site plans as prescribed by the Planning Commission.

Upon receipt of the application and other requested material the Planning Commission shall hold (1) one public hearing as regulated by law. Written notice of public hearing shall be sent to all property owners of record within 500 feet of the selected property. Following the hearing, the Planning Commission shall make a report to the City Council recommending whatever action it deems advisable. It may designate conditions and require guarantees in the granting of use permits in the manner provided for the granting of adjustments. Upon receipt of the report of the planning Commission, the City Council shall hold whatever public hearings it seems advisable and shall make a decision upon the proposal to grant a permit. If it finds that the conditions existing which are necessary under this section in order for the Planning Commission to recommend the granting of the Conditional Use permit, it may attach to the permit such conditions and guarantees as may be necessary to assure reasonable development.

No Conditional Use shall be recommended by the Planning Commission unless:

(1) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values with the immediate vicinity.

(2) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

(3) A building permit must be applied for within nine (9) months of the granting of the conditional use permit.

Revocation:

A violation of any condition set forth in a conditional use permit shall be a violation of this ordinance and automatically terminate the permit.

A conditional use permit shall become void after being granted by the City Council unless made use of and if discontinued for a period of 90 days or more.

Section 5.05 Special Flood Plain Use Permit

Application shall be made to the City Clerk for all proposed special uses in the designated flood plain area. All proposed new construction, or substantial improvements (including prefabricated and mobile homes) within those areas that are subject to flooding shall comply.

- A. The applicant shall provide to the City Clerk:
 - 1. Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the lot.
 - 2. Existing or proposed structures, fill or storage of materials, and the location of the foregoing in relation to an adjacent body of water.
- B. The City Clerk and the Planning Commission shall then determine, based upon existing data sources including topographic maps and soil maps, whether the proposed development may be subject to flooding by the regulatory flood.
- C. If there is no reasonable possibility that the proposed development is subject to flooding, the City Clerk may be instructed to grant the permit subject to the standards and procedures of this ordinance and other applicable regulations.
- D. If there is no reasonable possibility that the site is subject to flooding, the City Clerk shall also provide the Commissioner of Natural Resources with a copy of any application for a special flood plain use permit; where a hearing is to be held to consider such application, not less than ten (10) days before the date of the hearing. The City Council may require the applicant to furnish additional information, but not limited to (1) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side and high water information; and (2) a profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- E. The City Council may transmit the assembled information to a designated engineer or other agency for technical assistance to determine if the proposed use is in fact within the area subject to inundation by the regulatory flood, whether the

use is located in a floodway or flood fringe area determined consistent with the standards of Minnesota Regulations NR 87 (d) the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters. Based upon the technical determinations, the City Council shall resolve the compliance of the proposed use with the standards established by this ordinance, Minnesota Regulation NR87-93, and all other codes and applicable regulations. The City Council may deny, conditionally permit, or permit the proposed use. A copy of all decisions granting a special flood plain use permit shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.

F. Construction and Improvements in Flood Plain area must comply with the Minnesota Regulations NR 85-93 and must:

1. Be designed, modified or anchored to prevent floatation, collapse, or lateral movement of the structures.
2. Use construction materials and utility equipments that are resistant.
3. Use construction methods and practices that will minimize flood damage.
4. Provide flood protection to the projected regional flood elevation.
5. Provide that new or replacement water supply and/or sanitary sewage systems be designed and used to minimize or eliminate infiltration of flood waters, and require on-site water disposal systems to be located so as to avoid impairment or contamination of the system during flooding. All private sewage and other sanitary waste disposal systems must conform to applicable standards, criteria, rules and regulations in terms of size, construction and maintenance.
6. Drainage facilities must be adequately protected from exposure to flood hazards.
7. No other uses, when combined with all other existing and reasonably anticipated uses, increase the water surface elevation of the regional flood more than .5 feet at any point.

Section 5.06 Amendments

Amendments: The regulations, restrictions and boundaries set forth in this ordinance may be amended, supplemented or repealed in accordance with the provisions of this article.

Initiation: Amendments may be initiated by the Planning Commission, the City Council or by petition of any person owning

property within the boundaries of the district subject to the proposed amendment.

Referral to Planning Commission: An amendment not initiated by the Planning Commission shall be referred to the Commission for study and report and may not be acted upon by the City Council until it has received the recommendation of the Commission on the proposed amendment, or until sixty (60) days have elapsed from the date of reference of the amendment without a report being prepared by the Commission.

Hearing: No amendment shall be adopted until a public hearing has been held thereon by the City Council. The notice of the time, place and purpose of the hearing shall be published at least ten (10) days prior to the date of the hearing. When an amendment involves changes in district boundaries affecting the area of five acres or less, a similar notice shall be mailed by the City Council at least ten (10) days before the day of the hearing to each owner of the affected property and property situated wholly or partly within 350 feet of the use to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this subdivision has been made.

Section 5.07 Building Permits

From the effective date of this ordinance it shall be unlawful to proceed with construction, alteration, repair, enlargement, demolition, removal, or placement of any building or part of without first obtaining a building permit.

Requests for a building permit shall be made to the Zoning Coordinator. Each application for a permit to construct, alter or move a building on a lot shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be used. The size and location of the building and accessory buildings to be erected or moved on said lot shall be indicated on the site plan. Application of any kind of building permit shall contain only information as may be deemed necessary for proper enforcement of the ordinance. A building permit will become void after it was granted unless made use of within one (1) year.

Section 5.08 Appeals from the Planning Commission

The decision of the Planning Commission may not be final. Any person or persons having an interest affected by this ordinance or any decision made relating to this ordinance shall have the

right to appeal to the City Council within 60 days of the filing of the decision of the Planning Commission with the Zoning Coordinator.

The decision of the City Council may not be final. Any person or persons jointly or severally aggrieved by any decision of the City Council may appeal to the District Court of Cass County by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for such illegality.

Section 5.09 Violations

Violations of this ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$700.00 and/or imprisonment for a period not to exceed ninety (90) days for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

In the event of a violation or threatened violation of this ordinance, the council or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the attorney to institute such action.

No person shall perform work upon a project requiring a building permit, Conditional Use Permit or a variance issued under this ordinance unless such permit has been issued and posted on the premises and the accuracy of setback distances and building sizes have been verified. Any person performing such work shall be criminally liable to the same extent as the property owner.

Any citizen or taxpayer of City of Hackensack may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by this ordinance.

Section 5.10 Schedule of Fees

The City Council shall determine the fee and collection procedure for all permits, certificates, or petitions issued by the Planning Commission. No permit, certificate, or petition shall be recognized or issued unless such fee or fees have been paid in full.

Section 5.11 Validity

Should a court of competent jurisdiction declare any part of this ordinance to be invalid such decision shall not affect the validity of the remainder of this ordinance.

Section 5.12 Repeal of Conflicting Ordinance

Any Zoning Ordinance existing at the time of adoption of this Ordinance together with all amendments and supplements thereto and all other ordinances promulgated by the City Council of Hackensack which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency and no further, hereby repealed.

Section 5.13 Effective Date

This ordinance shall be in force and effect upon the due passage and publication in the manner provided by law.